



CITY COUNCIL AGENDA

APRIL 10, 2007

SYNOPSIS

PETE CONSTANT
FORREST WILLIAMS
SAM LICCARDO
VACANT
NORA CAMPOS

DISTRICT 1
DISTRICT 2
DISTRICT 3
DISTRICT 4
DISTRICT 5

CHUCK REED, MAYOR

PIERLUIGI OLIVERIO
MADISON P. NGUYEN
JUDY CHIRCO
NANCY PYLE

DAVID D CORTESE, VICE MAYOR

DISTRICT 6
DISTRICT 7
DISTRICT 8
DISTRICT 9
DISTRICT 10

Welcome to the San José City Council meeting!

This Agenda contains both a Consent Calendar section for routine business items that require Council approval, and general business items arranged to correspond with San José's City Service Areas (CSAs). City Service Areas represent the policy-making level for strategic planning, policy setting, and investment decisions in the critical functions the City provides to the community. They are:

- **Strategic Support Services** — The internal functions that enable the CSAs to provide direct services to the community in an effective and efficient manner.
- **Community & Economic Development** — Manage the growth and change of the community in order to create and preserve healthy neighborhoods and ensure a diverse range of employment and housing opportunities.
- **Neighborhood Services** — Serve, foster, and strengthen community by providing access to lifelong learning and opportunities to enjoy life.
- **Transportation & Aviation Services** — A safe and efficient transportation system that contributes to the livability and economic health of the City; and provide for the air transportation needs of the community and the region at levels that is acceptable to the community.
- **Environment and Utility Services** — Manage environmental services and utility systems to ensure a sustainable environment for the community.
- **Public Safety Services** — Commitment to excellence in public safety by investing in neighborhood partnerships as well as prevention, enforcement, and emergency preparedness services.

Items listed in Section 9 require approval of both the City Council and the San José Redevelopment Agency Board.

You may speak to the City Council about any item that is on the agenda, and you may also speak on items that are not on the agenda during Open Forum. If you wish to speak to the City Council, please refer to the following guidelines:

- **Fill out a Yellow Speaker's Card and submit it to the City Clerk seated at the front table. Do this before the meeting or before the item is heard.** This will ensure that your name is called for the item(s) that you wish to address, and it will help ensure the meeting runs smoothly for all participants.
- When the Council reaches your item on the agenda, Mayor Reed will open the public hearing and call your name. Please address the Council from the podium, which is located to the left of the City Clerk's table.
- Each speaker generally has two minutes to speak per item. The amount of time allotted to speakers may vary at the Mayor's discretion, depending on the number of speakers or the length of the agenda.
- To assist you in tracking your speaking time, there is a display on the podium. The green light turns on when you begin speaking; the yellow light turns on when you have 30 seconds left; and the red light turns on when your speaking time is up.

Please be advised that, by law, the City Council is unable to discuss or take action on issues presented during Open Forum. According to State Law (the Brown Act) items must first be noticed on the agenda before any discussion or action.

The San José City Council meets every Tuesday at 1:30 p.m. and every first and third Tuesday at 7 p.m., unless otherwise noted. If you have any questions, please direct them to the City Clerk's staff seated at the tables just below the dais. Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings. Agendas and Staff Reports for City Council items may be viewed on the Internet at: www.sanjoseca.gov/clerk/agenda.asp. Council Meetings are televised live and rebroadcast on Channel 26.

To arrange an accommodation under the Americans with Disabilities Act to participate in this public meeting, please call (408) 535-1260 or (408) 294-9337 (TTY) at least two business days before the meeting. On occasion the City Council may consider agenda items out of order.

- **Call to Order and Roll Call**

9:30 a.m. - Closed Session, Call to Order in Council Chambers
Absent Council Members: None.

1:32 p.m. - Regular Session, Council Chambers, City Hall
Absent Council Members: None.

- **Invocation (District 4)**

Council Member Campos recognized Steven Chau, winner of East Side Union High School District's "César Chavez Writing Contest".

- **Pledge of Allegiance**

Mayor Reed led the Pledge of Allegiance.

- **Orders of the Day**

The Orders of the Day and the Amended Agenda were approved, with Item 3.2 deferred to 4/17/06.

- **Closed Session Report**

City Attorney Doyle disclosed the following Closed Session action of March 27, 2007:

A. Potential Litigation – Settlements Authorized:

Case Name: City of San José v. Norcal Waste Systems

Substance of Settlement: Approval of settlement of potential lawsuit. Norcal Waste Systems to pay \$129,126; Payment to be made by City deducting from monthly compensation payable to Norcal; Norcal to make available its yard on Rogers Avenue and certain equipment for July 1 through September 30, 2007, to assist in the Recycle Plus transition.

Council Vote: Ayes: Campos, Chirco, Constant, Cortese, Liccardo, Pyle, Williams; Reed .

Noes: Nguyen.
Disqualified: None.
Absent: None.
Vacant: Districts 4 and 6.

1. CEREMONIAL ITEMS

- 1.1 Presentation of a commendation to the Airport Master Plan Team for their exemplary dedication and valuable contributions to the City organization. (City Manager's Office/Mayor)
Mayor Reed and City Manager Les White recognized and commended the Airport Master Plan Team for their dedication and important contributions to San José.
- 1.2 Presentation of a proclamation declaring Saturday, April 21, 2007 John Muir Day in the City of San José in appreciation of the importance that nature, wilderness, and the environment have on our quality of life. (Constant/Campos)
Mayor Reed, and Council Members Constant and Campos recognized the 3rd Grade Class of John Muir Elementary School and declared April 21, 2007 as "John Muir Day" in the City of San José.
- 1.3 Presentation of a commendation recognizing ABL Properties for exemplary service and support to residents affected by the Branham House Apartments fire that occurred on March 8, 2007. (Housing)
Deferred to 4/17/07, per Administration.
- 1.4 Presentation of a proclamation declaring the week of April 8 – 14, 2007 National Public Safety Dispatchers Week. (Mayor/Cortese/Constant/Liccardo)
(Rules Committee referral 3/28/07)
Mayor Reed, Vice Mayor Cortese and Council Members Constant and Liccardo recognized and commended the Police and Public Safety Officers and declared the week of April 8-14, 2007 as "National Public Safety Dispatchers Week" in the City of San José.
- 1.5 Presentation on new City Hall Falcon Cam and update on City Hall peregrine falcons. (Mayor/City Manager's Office)
Heard First.
(Rules Committee referral 4/4/07)
Mayor Reed and Director of General Services Peter Jensen presented an update on the City Hall Peregrine Falcons and the new Falcon Cam on their nest.

2. CONSENT CALENDAR

2.1 Approval of Minutes.

Recommendation: Approval of City Council Study Session Minutes:

- (a) Evergreen – East Hills Vision Strategy of October 20, 2006
- (b) San José 2020 General Plan of October 27, 2006
- (c) Facility Re-use Strategy of December 8, 2006
- (d) Solar and Energy Issues of January 25, 2007

[Deferred from 4/3/07 – Item 3.1(a)-(d)]

Approved.

2. CONSENT CALENDAR

2.2 Final adoption of ordinances.

Recommendation: Final adoption of ordinances.

- (a) ORD. NO. 28006 – Amending Part 3 of Chapter 25.08 of Title 25 of the San José Municipal Code by add a new section 25.08.360 entitled “Operation Without an Agreement” to establish minimum requirements for the operation at and use of the Normal Y. Mineta San José International Airport by any passenger or cargo airlines that have not signed either a signatory or non-signatory airline-airport lease and operating agreement on or after July 1, 2007.

Ordinance No. 28006 adopted.

2.3 Approval of an agreement for consulting services for the Integrated Development Tracking System.

Recommendation: Adoption of a resolution authorizing the City Manager to negotiate and execute an agreement with CSDC System, Incorporated for technical consulting services for Integrated Development Tracking System (IDTS) system programming in the amount of \$159,000 for the term May 1, 2007 to March 31, 2008. CEQA: Not a Project. (Planning, Building and Code Enforcement)

(Deferred from 2/27/07 – Item 2.18, 3/20/07 – Item 2.3 and 3/27/07 – Item 2.3)

Resolution No. 73719 adopted.

2.4 Approval to amend an agreement for Self Service Cart Vending Units at the Airport.

Recommendation: Approval of a second amendment and continuation agreement to the Concession Agreement between the City of San José and Smarte Carte, Inc. for the installation, operation and maintenance of self service cart vending units at Terminals A, C and the Federal Inspection Services Building to continue and extend the term from February 11, 2007 to December 31, 2007, with annual revenue to the City of approximately \$28,000, subject to earlier termination as provided in the Agreement. CEQA: Resolution Nos. 67380 and 71451, File No. PP07-005. (Airport)

Approved.

2.5 Approval to amend an agreement for Automated Teller Machines at the Airport.

Recommendation:

- (a) Approval of a first amendment and continuation agreement to the Small Concession Agreement between the City of San José and Bank of the West for the installation, operation and maintenance of Automated Teller Machines in Terminals A and C at the Norman Y. Mineta San José International Airport to continue and extend the term from February 1, 2007 to December 31, 2007, with annual revenue to the City of approximately \$23,400, subject to earlier termination as provided in the Agreement.

Approved.

(Item continued on the next page)

2. CONSENT CALENDAR

2.5 Approval to amend an agreement for Automated Teller Machines at the Airport (Cont'd.)

- (b) Approval of a first amendment and continuation agreement to the Small Concession Agreement between the City of San José and Bank of the West for the installation, operation and maintenance of Automated Teller Machines in the Federal Inspection Services Building at the Norman Y. Mineta San José International Airport to continue and extend the term from February 1, 2007 to December 31, 2007, with annual revenue to the City of approximately \$15,600, subject to earlier termination as provided in the Agreement.

CEQA: Resolution Nos. 67380 and 71451, File No. PP07-004. (Airport)

Approved.

2.6 Acceptance of the Office of the City Auditor's Report.

Recommendation: Acceptance of the Office of the City Auditor's *Report of Activities for the Period February 16 through March 15, 2007*. (City Auditor)

(Rules Committee referral 3/28/07)

Report Accepted.

2.7 Certification of District 4 Special Election Results.

Recommendation: Adoption of a resolution declaring the results of the March 6, 2007 Special Election for council District 4, pursuant to Elections Code Section 15400. (City Clerk)

(Rules Committee referral 3/28/07)

Resolution No. 73720 adopted.

2.8 Approval of actions related to the City's Local Hazard Mitigation Plan.

Recommendation: Adoption of a resolution adopting the Association of Bay Area Governments multi-jurisdictional report, "Taming Natural Disasters," as the City of San José's local hazard mitigation plan. CEQA: Resolution No. 65459. (Emergency Services)

Resolution No. 73721 adopted.

2.9 Approval to award open purchase order #20 for FY 2006-2007.

Recommendation: Approval of award of open purchase orders for supplies, materials, equipment and services for FY 2006-2007 #20 and authorization for the Director of Finance to execute the purchase orders. CEQA: See Administration's Memorandum to Council for specific CEQA clearance determinations on each recommended action.

(Finance)

Approved.

2. CONSENT CALENDAR

2.10 Rejection of proposals and approval to re-solicit for Consolidated Storage and File Server Solutions for City Hall.

Recommendation: Reject all proposals that were in response to RFP # 05-06-07, Consolidated Storage and File Server Solution for City Hall, and authorize the Director of Finance to re-solicit proposals. CEQA: Not a Project. (Finance)

Approved.

2.11 Approval to purchase an Integrated Cashiering System.

Recommendation: Adoption of a resolution authorizing the Director of Finance to:

- (a) Execute an agreement with The Active Network Inc. in an amount not to exceed \$253,398 for the purchase and installation of an Integrated Cashiering System, including software, hardware, professional services, five years of maintenance and support, shipping, and applicable sales taxes.
- (b) Execute change orders not to exceed a 15% contingency amount of \$38,010 to cover unanticipated changes or requirements related to the design, implementation, maintenance and support of the system over a five-year period.

CEQA: Not a Project. (Finance)

Deferred to 4/17/07, per Administration.

2.12 Approval to designate a portion of the Spartan Keyes SNI Area as a Conservation Area.

Recommendation: Adoption of a resolution nominating a portion of the Spartan Keyes SNI Area for designation as the Martha Gardens Conservation Area and directing the Department of Planning, Building and Code Enforcement to initiate the required process and proceedings to establish the Conservation Area, including necessary outreach to community members and property owners. CEQA: Exempt under the provisions of Section 15307 of the State Guidelines for Implementation of the California Environmental Quality Act. Council District 3. SNI: Spartan Keyes. (Planning, Building and Code Enforcement)

Resolution No. 73722 adopted.

2.13 Approval of an agreement related to the Peace Officer Standards and Training Program.

Recommendation: Adoption of a resolution authorizing the City Manager to execute an agreement with the Commission on Peace Officer Standards and Training (P.O.S.T.) related to components of the previously approved P.O.S.T.-reimbursed training program for peace officers in Santa Clara County for the term of July 1, 2006 to June 30, 2007 in an amount not to exceed \$158,000. CEQA: Not a Project. (Police)

Resolution No. 73723 adopted.

2. CONSENT CALENDAR

2.14 Approval to amend an agreement for consulting services for the implementation of the PeopleSoft Recruiting System.

Recommendation: Adoption of a resolution authorizing the Director of Finance to:

- (a) Negotiate and execute an amendment to the consulting services agreement with CedarCrestone, Inc., increasing the amount of total compensation by \$299,200 from \$1,245,516 for a total amount not to exceed \$1,544,716, to assist in the implementation of the PeopleSoft Recruiting System.
- (b) Negotiate and execute change orders not to exceed a 10% contingency amount of \$30,000 to cover unanticipated changes or requirements related to the design and implementation of the project.

CEQA: Not a Project. (Human Resources/Finance)

(Deferred from 3/27/07 – Item 2.9)

Resolution No. 73724 adopted.

3. STRATEGIC SUPPORT SERVICES

3.1 Report of the Rules and Open Government Committee – March 14, 2007

Mayor Reed, Chair

- (a) City Council
 - (1) Review New Add Items to March 20, 2007 Agenda
The Committee approved the March 20, 2007 City Council Agenda with six additions.
 - (2) Review March 27, 2007 Draft Agenda
The Committee approved the March 27, 2007 Draft City Council Agenda with two additions.
- (b) Redevelopment Agency items reported out at Redevelopment Agency meeting
- (c) Legislative Update
 - (1) State
 - (2) Federal

There were none.
- (d) Meeting Schedules
 - (1) Setting Hearing for spring 2007 for General Plan Amendments and Initiating the Reestablishment of a fall Annual Review of the General Plan.
Deferred to 3/21/07.
- (e) The Public Record
The Committee noted and filed the Public Record.

3. STRATEGIC SUPPORT SERVICES

3.1 Report of the Rules and Open Government Committee – March 14, 2007 (Cont'd.) Mayor Reed, Chair

- (f) Appointments to Boards, Commissions and Committees
There were none.

- (g) Rules Committee Reviews, Recommendations and Approvals
 - (1) Request to consider waiving the closed session privilege and the release of all documents regarding recent negotiation with the San José Police Officer's Association and International Association of Fire Fighters Local 230. (Cortese)
(Deferred from 3/7/07)
The Committee deferred this item until the Sunshine Reform Task Force concludes its work in this area and brings recommendations to the Rules and Open Government Committee in mid April.

 - (2) Response to the Report of the Government Reforms & Ethics Subcommittee of the Mayor's Transition Committee. (City Attorney)
(Continued from 3/7/07)
The Committee agreed to forward to the City Council on 4/3/07, a proposal to consider amendments to the Ethics Ordinances that would: (1) Extend to two years the "revolving door" policy. (2) Ban and require disclosure of success and/or contingency fees. (3) Decrease the lobbyist threshold for registering from 20 hours per quarter to 10 hours per year. (4) Create an exemption for 501(c)(3) nonprofits. (5) Modify the reporting form to include more income ranges. (6) Create a category for small business owners. The proposal relating to cost benefit analyses was referred to 4/3/07 City Council Meeting, also. See Council action taken on 4/3/07, Item 9.1.

 - (3)
 - (a) Request to Add to City Auditor's 2006-07 Work Plan: Review Fee payments by City's Franchised Haulers.
 - (b) Response to Environmental Services request to add to City Auditor's 2006-07 Work Plan.
Deferred to 3/21/07.

 - (4) Address Council Member Cortese's Concerns regarding Consolidated Water Utility Fund Audit.
Dropped.

- (h) Review of Council Committee Agendas
There were none.

- (i) Open Government Initiatives
There were none.

3. STRATEGIC SUPPORT SERVICES

3.1 Report of the Rules and Open Government Committee – March 14, 2007 (Cont'd.)

Mayor Reed, Chair

(j) Open Forum
None were presented.

(k) Adjournment
(Deferred from 4/3/07 – Item 3.2)
The meeting was adjourned at 3:54 p.m.

The Rules and Open Government Committee Report and the Actions of March 14, 2007, were accepted.

3.2 Report of the Rules and Open Government Committee – March 21, 2007

Mayor Reed, Chair

- (a) City Council
 - (1) Review New Add Items to March 27, 2007 Agenda
 - (2) Review April 3, 2007 Draft Agenda
- (b) Redevelopment Agency items reported out at Redevelopment Agency meeting
- (c) Legislative Update
 - (1) State
 - (a) Acceptance of the March 2007 State Legislative Bill Matrix.
 - (2) Federal
 - (a) National League of Cities Congressional Conference Summary Report (verbal).
- (d) Meeting Schedules
 - (1) Setting Hearing for spring 2007 for General Plan Amendments and Initiating the Reestablishment of a fall Annual Review of the General Plan.
Deferred from March 14, 2007
 - (2) Request to set study session for the Evergreen*East Hills Vision Strategy for Monday, April 30, 2007, 1-4 p.m.
- (e) The Public Record
- (f) Appointments to Boards, Commissions and Committees
 - (1) Appointment to the Airport Noise Advisory Committee. (Airport)
 - (2) Council Committee Appointments.
- (g) Rules Committee Reviews, Recommendations and Approvals
 - (1) (a) Request to Add to City Auditor's 2006-07 Workplan: Review Fee Payments by City's Franchised Haulers.
 - (b) Response to Environmental Services request to add to City Auditor's 2006-07 Workplan.
(Deferred from 3/14/07)
- (h) Review of Council Committee Agendas
- (i) Open Government Initiatives
- (j) Open Forum
- (k) Adjournment

Deferred to 4/17/07, per Mayor, under Orders of the Day.

3. STRATEGIC SUPPORT SERVICES

**3.3 Report of the Public Safety, Finance and Strategic Support Committee
Council Member Nguyen, Chair
No Report.**

3.4 Presentation of statewide ethics issues in response to Reed Reform #26.

Recommendation: Presentation of statewide ethics issues in response to Reed Reform #26, “Hold regular public hearings on ethical issues around the state so we can learn from our mistakes and the mistakes of others.” (City Manager’s Office/City Attorney)
(Rules Committee referral 3/28/07 – Item I1)

Heard no earlier than 2:30 p.m.

The Staff presentation was heard by Council. No Council action required.

4. COMMUNITY & ECONOMIC DEVELOPMENT

**4.1 Report of the Community & Economic Development Committee – March 26, 2007
Council Member Pyle, Chair**

(a) Modifications to Committee Workplan.

The Committee accepted the modifications.

(b) Update on Council Directives and Performance Measures Review.

The Committee accepted the Staff Report.

(c) Economic Impact of Downtown Events.

(Deferred from 2/26/07)

The Committee accepted the Staff Report.

See Item 4.2 for Council action taken.

(d) Development Process Review and Fee Adjustments.

The Committee accepted the Staff Report.

(e) Airport Update and Height Restrictions.

This item was dropped.

(f) Oral Petitions

None were presented.

(g) Adjournment

The meeting was adjourned a 3:15 p.m.

The Community and Economic Development Committee Report and the Actions of March 26, 2007, were accepted.

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.2 Acceptance of the staff report measuring economic and fiscal impact of cultural and sporting events.

Recommendation: Acceptance of the staff report regarding:

- (a) Measuring economic and fiscal impact of 6 cultural and sporting events: San José Grand Prix, San José Jazz Festival, ZeroOne San José, San José International Mariachi Festival, Tapestry and Talent Festival and the Rock and Roll ½ Marathon; and
- (b) An economic impact methodology to be used to project the economic benefit of future events and to measure the actual economic impact post event.

(Economic Development)

[Community & Economic Development Committee referral 3/26/07 - Item (c)]

Report accepted, with Staff requested to provide information on who benefits from these types of events.

5. NEIGHBORHOOD SERVICES

5.1 Report of the Neighborhood Services and Education Committee Council Member Chirco, Chair No Report.

5.2 Approval to amend the Animal Regulations of the San José Municipal Code.

Recommendation:

- (a) Approval of an ordinance amending Title 7, the “Animal Ordinance” of the San José Municipal Code, in its entirety, to update existing animal related regulations to reflect current municipal animal care and control practices regarding the proper and adequate care of animals, livestock and small animal regulations, sale of animals, rabies vaccinations, and animal trapping; to define new terms; and make other conforming changes.
- (b) Approval of an ordinance amending Section 1.08.020 of Chapter 1.08 of Title 1 of the San José Municipal Code to update the list of animal infractions to include the new code sections.

CEQA: Not a Project. (Parks, Recreation and Neighborhood Service)

Deferred to 5/1/07 in the Evening, per Administration.

5. NEIGHBORHOOD SERVICES

5.3 Approval of actions related to the construction of an on-street access to the Guadalupe Creek Park Trail Route.

Recommendation: Adoption of a resolution:

- (a) Determining that the public interest and necessity require the acquisition of an easement over parcels located at Singletree Way, San Jose, CA 95124 (APN No. 567-27-007 and 009), which are currently undeveloped apart from an overhead power transmission pole, and a small brick building for purposes of constructing an on-street access to the Guadalupe Creek Park Trail Route from the owner, Pacific Gas and Electric Company, a California Corporation; and
- (b) Authorizing the City Attorney to file suit in eminent domain to acquire such property interest, to apply for an order for possession before judgment, and to prosecute the action to final judgment, and authorizing the deposit of money in court for possession of the property from the funds lawfully available.

CEQA: Mitigated Negative Declaration, File No. PP04-03-061. Council District 10. (Public Works)

Resolution No. 73725 adopted.

5.4 Approval to amend an agreement for the Roosevelt Community Center Multi-Service Project.

Recommendation:

- (a) Approval of the second amendment to the agreement with Group 4 Architects, Research and Planning, Inc. for architectural consultant services for the Roosevelt Community Center Multi-Service Project, amending the scope of services and decreasing the amount of compensation by \$560,679, for a total agreement amount not to exceed \$2,080,993.

Approved.

- (b) Adoption of the following Appropriation Ordinance amendments in the Construction Tax and Property Conveyance Tax Fund: Parks Purposes Council District 3 (Fund 380):
 - (1) Increase the appropriation to the Parks, Recreation and Neighborhood Services Department for the Roosevelt Hockey Rink Cover Project by \$117,000; and
 - (2) Decrease the Ending Fund Balance by \$117,000.

CEQA: Mitigated Negative Declaration, File No. PP03-12-397. Council District 3. SNI: Five Wounds/Brookwood Terrace. (Public Works/City Manager's Office)

Ordinance No. 28012 adopted.

5. NEIGHBORHOOD SERVICES

5.5 Approval of actions related to the Roosevelt Community Center Package II Re-bid Project.

Recommendation:

- (a) Report on bids and award of contract for the Roosevelt Community Center - Package II Re-bid Project in the amount of \$13,809,000, for the base bid and Add Alternate Nos. 2 and 3 to the low bidder, West Coast Contractors, Inc., and approval of a contingency in the amount of \$690,450.

Approved.

- (b) Adoption of the following Appropriation Ordinance amendments in the Subdivision Park Trust Fund (Fund 375):
- (1) Establish an appropriation to the Parks, Recreation and Neighborhood Services Department in the amount of \$1,355,000 for the Roosevelt Community Center – Multi-Service Project;
 - (2) Reduce the Roosevelt Center Gymnasium Design appropriation by \$757,000; and
 - (3) Reduce the Reserve: Future PDO/PIFO Projects by \$598,000.

CEQA: Mitigated Negative Declaration, File No. PP03-12-397. Council District 3. SNI: Five Wounds/Brookwood Terrace. (Public Works/Parks, Recreation and Neighborhood Services/City Manager’s Office)

Ordinance No. 28013 adopted.

6. TRANSPORTATION & AVIATION SERVICES

6.1 Report of the Transportation and Environment Committee Council Member Williams, Chair No Report.

7. ENVIRONMENTAL & UTILITY SERVICES

7.1 Update on the Status of California Waste Solutions’ corporation yard planning and permitting progress.

Recommendation:

- (a) Accept verbal status report on California Waste Solutions’ corporation yard planning and compliance with contract transition milestones.
- (b) Status of City's option, that expires on April 15, 2007, to authorize the City Manager to negotiate and execute an agreement with Norcal Waste Systems to provide continued recycling collection services for Districts A and C through September 30, 2007, with an option to extend for an additional 90 days.

(Environmental Services)

The status report was heard by Council. No Council action required.

8. PUBLIC SAFETY SERVICES

8.1 Approval of various actions related to New Fire Stations No. 12 and No. 17.

Recommendation:

- (a) Report on bids and award of contract for the New Fire Station No. 12 and New Fire Station No. 17 projects to the low bidder, D. L. Falk Construction Company, Inc., to include the base bid and Add Alternates Nos. 1, 2, and 3 in the amount of \$6,795,729, and approval of a contingency in the amount of \$340,000.

Approved.

- (b) Adoption of the following 2006-2007 Appropriation Ordinance Amendments in the Neighborhood Security Bond Fund (Fund 475):

- (1) Increase the Fire Station 12 - Relocation (Calero) appropriation by \$750,000;
- (2) Increase the Fire Station 17 - Relocation (Cambrian) appropriation by \$750,000; and
- (3) Decrease the Fire Training Center appropriation by \$1,500,000.

Ordinance No. 28014 adopted.

- (c) Adoption of the following 2006-2007 Appropriation Ordinance Amendments in the Construction & Property Conveyance Tax Fund: Fire Protection Purposes (Fund 392):

- (1) Establish a Fire Station 17 - Relocation (Cambrian) appropriation to the Fire Department in the amount of \$379,000;
- (2) Increase the Fire Station 12 - Relocation (Calero) appropriation by \$380,000; and
- (3) Decrease the Fire Bond Project Reserve by \$759,000.

Ordinance No. 28015 adopted.

- (d) Consent to the request of the second low bidder, Swenson and Associates, Construction Company to be relieved of their bid for Fire Stations Nos. 12 and 17, due to a mathematical error in calculating its bid amount.

Approved.

- (e) Approval of the first amendment to the agreement with Don Dommer Associates, Inc. for design services for Fire Station No. 12 to increase the agreement compensation by the amount of \$51,670 from \$296,259 to \$347,929 and to extend the term of the agreement from January 31, 2008 to October 1, 2008.

Approved.

(Item continued on the next page)

8. PUBLIC SAFETY SERVICES

8.1 Approval of various actions related to New Fire Stations No. 12 and No. 17 (Cont'd.)

(f) Approval of the first amendment to the agreement with Banducci Associates Architects for design services for Fire Station No. 17 to increase the agreement compensation by the amount of \$38,080 from \$308,475 to \$346,555 and to extend the term of the agreement from May 1, 2007 to October 1, 2008.

Approved.

(g) Adoption of a resolution approving the Relocated Fire Station No. 12 Project and incorporating environmental mitigation measures set forth in the Mitigation Monitoring and Reporting Program for the project.

CEQA: Fire Station No. 12 - Mitigated Negative Declaration, File No. PP05-071 and Fire Station No.17 - Exempt, File No, PP05-275. Council Districts 9 and 10. (Public Works/Fire/City Manager's Office)

Resolution No. 73726 adopted.

8.2 Administrative Hearing on consideration of subcontractor substitution related to Fire Station No. 34.

Recommendation: Administrative Hearing on consideration of the request of Gonsalves & Stronck Construction Company (G&S), the general contractor on the new Fire Station No. 34 project, to substitute Westmark Products, Inc. for California Woodworking, the subcontractor listed by G&S to perform the custom cabinet work. CEQA: Mitigated Negative Declaration, File No. PP05-104. Council Districts 3 and 4. (Public Works)

Deferred to 4/24/07, per Administration.

9. JOINT COUNCIL/REDEVELOPMENT AGENCY

- Notice of City Engineer's Pending Decision on Final Maps
None.

- **Notice of City Engineer’s Award of Construction Projects**

On October 25, 2005, City Council approved a one year pilot program that delegated authority to the Director of Public Works to award or reject bids on construction projects where the base contract amount is below \$1,000,000. In accordance with this policy, the following is a list of projects that were awarded or rejected by the Director of Public Works in March 2007:

AWARD:

<u>Project Name</u>	<u>Council District</u>	<u>Contractor</u>	<u>Contract Award Amount</u>	<u>Award Date</u>
Hobson-Walnut Area Sanitary Sewer – Rehabilitation Phase 1	3	Ranger Pipelines, Inc.	\$728,876	3/9/07
Tamarack Avenue Sanitary Sewer Replacement Project	6	Sanco Pipelines, Inc.	\$585, 574.60	3/9/07
Winchester & Mayfair SNI Accessibility Ramps 2007	Citywide	Spenn Con Construction	\$164,009	3/12/07

REJECTION

<u>Project Name</u>	<u>Council District</u>	<u>Engineer’s Estimate</u>
Norman Y. Mineta San José International Airport General Mechanical/Plumbing Contract 06-07	Citywide	n/a

- **Open Forum**

- (1) **Ross Signornio congratulated the City Council and former Council Members for the excellent “clean up” job on Saratoga Avenue near Garden City.**
- (2) **Mark Trout expressed personal religious views.**
- (3) **Robert Apgar voiced personal points of view.**
- (4) **Cathy Brandhorst voiced personal viewpoints.**

- **Adjournment**

The Council of the City of San José was adjourned at 4:03 p.m.